

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

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CLERK U.S. DISTRICT COURT
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 8:03-cr-77-T-30TBM

SAMEEH HAMMOUDEH,
GHASSAN ZAYED BALLUT.

ORDER

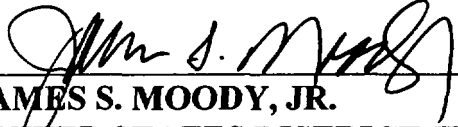
This cause came on for consideration without oral argument upon the Notice of Appeal (Dkt. #366) filed by Defendant, Ghassan Ballut, and Notice of Appeal (Dkt. #367) filed by Defendant, Sameeh Hammoudeh. Ballut's Notice of Appeal does not provide this Court with any argument or basis for this Court to reconsider the magistrate's ruling. Hammoudeh filed his notice of appeal pursuant to Rule 58(g)(2)(A) of the Federal Rules of Criminal Procedure. However, Rule 58(g)(2)(A) applies only to: (a) appeals of petty offenses and other misdemeanor cases; and (b) appeals in cases tried by a magistrate judge. See, e.g., Fed. R. Crim. Proc. 58(a)(1). This case neither involves a petty offense, a misdemeanor, nor will this case be tried by a magistrate. This Court concludes that in this case Rule 58(g)(2)(A) is inapplicable.

Pursuant to 28 U.S.C. § 636(b)(1)(A), this Court may designate pretrial matters be heard and determined by a United States Magistrate Judge. Section 636(b)(1)(a) allows "a judge of the court to reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law."

Section 636(b)(1)(A) would be applicable to this motion because it is a pretrial motion designated by this Court to be heard and determined by Magistrate McCoun.

Based on the foregoing, if Defendants are seeking reconsideration of the magistrate's Order (Dkt. #338), Defendant shall file within **seven (7) days** of this Order a more thorough memorandum, providing argument and grounds for reconsideration. **Failure by Defendants to do so may result in this Court denying their Notice of Appeals (Dkts. #366, 367).**

DONE and ORDERED in Tampa, Florida on this 13 day of November, 2003.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

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Date Printed: 11/13/2003

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